

## **Assembly Bill No. 751**

### **CHAPTER 285**

An act to add Sections 52122.6, 52122.7, and 52122.8 to the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1997. Filed with  
Secretary of State August 18, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 751, Escutia. Class Size Reduction Program.**

Existing law provides for class size reduction in kindergarten and grades 1 to 3, inclusive, pursuant to the Class Size Reduction Program. Existing law provides for 2 options for school districts to receive funding under the program. Existing law, for Option One, requires a school district to provide a reduced class size for all pupils in each classroom for the full regular schoolday, as specified, in each grade level for which funding is claimed.

This bill would authorize the State Board of Education to grant a waiver to school districts that cannot provide the facilities for class size reduction, as specified. The bill would require districts requesting a waiver to submit, as specified, a comprehensive plan to mitigate the facilities impact of class size reduction. The bill would permit school districts receiving the waiver to receive Option One funding, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 52122.6 is added to the Education Code, to read:

52122.6. A school district applying for funds to implement a Class Size Reduction Program, as part of its application for that funding, may request that the State Board of Education grant the school district a one-year waiver of subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 and subdivision (c) of Section 52123, at a schoolsite or schoolsites. The State Board of Education may grant the waiver if all of the provisions of this section and Sections 52122.7 and 52122.8 are met. A school district requesting a waiver may receive Option One funding at the per pupil amount defined in subdivision (a) of Section 52126 if all of the following eligibility requirements are met:

(a) The schoolsite or schoolsites, for which the waiver is requested, is on a multitrack year-round educational schedule.

(b) A minimum of 40 percent of the school district's enrollment is on a multitrack year-round educational schedule as reported by the district from the most recent verifiable pupil data available.

(c) For each acre of the schoolsite or schoolsites for which the school district is requesting a waiver, the schoolsite has an average of at least 200 elementary pupils enrolled in instructional programs that require regular pupil attendance at the site, as reported by the district from the most recent verifiable pupil and site data available.

(d) The school district has certified that it has either reconfigured attendance boundaries in order to implement the Class Size Reduction Program, or has determined that reconfiguration is ineffective for purposes of implementing the Class Size Reduction Program, at the schoolsite or schoolsites for which the waiver is requested.

SEC. 2. Section 52122.7 is added to the Education Code, to read:

52122.7. (a) For each schoolsite that meets eligibility requirements pursuant to Section 52122.6, the school district shall submit to the State Board of Education, no later than the time of its application, a comprehensive plan for a permanent mitigation of the facilities problems that have prevented the implementation of class size reduction. This comprehensive plan to mitigate the facilities impact of class size reduction shall include all of the following:

(1) An assessment of what will be necessary to implement class size reduction for the current and projected pupils at the site in kindergarten and grades 1 to 3, inclusive, including the types of facilities that will be acquired, constructed, or leased to meet the need.

(2) An overall summary of how the school district will meet the facilities needs for pupils attending and projected to attend the schoolsite or schoolsites, including a reasonable timeframe for completion, and estimates of pupil population growth over the period of the plan.

(3) Annual measurable benchmarks of progress that will ensure that the project is completed within the timeframe specified in the plan.

(4) The total cost of the plan for acquiring or constructing the facilities needed, including, but not necessarily limited to, any site acquisition, relocation costs, site preparation, construction, cost of leases, and relocatable classrooms.

(5) A financial plan for completion of the project, including a range of realistically feasible sources of funding for meeting the facility needs. The means of financing the plan may include, but are not necessarily limited to, local general obligation bonds, state lease revenue bonds, certificates of participation, appropriate developer fees, and state general obligation bonds. However, the initial plan

shall not include more than 50 percent state funding, excluding funds from state lease revenue bonds, unless a greater amount of state funding has been assured.

(b) The plan shall be reviewed by the State Department of Education and the State Board of Education to ensure that implementation of the plan would reasonably result in the ability of the school district to implement class size reduction for the pupils attending the schoolsite or schoolsites receiving the waiver. The State Department of Education shall make recommendations to the State Board of Education regarding the results of its review. The State Board of Education may grant a waiver to any complete plan that it deems to be feasible.

(c) For each subsequent year that the school district requests a continuation of the waiver, the district shall submit with its application an assessment of the district's progress toward meeting each of the annual benchmarks in the approved plan for each impacted site, and a description and review of the educational programs and configurations used in lieu of reduced class sizes at the site receiving the waiver as required in subdivision (a) of Section 52122.8.

(d) (1) The State Department of Education and the State Board of Education shall annually review the progress report and the plan to ensure that the school district is making progress to achieve the solution outlined in the plan and that annual benchmarks of progress have been achieved. The department shall make recommendations to the board regarding the results of its review of the annual progress report. The waiver may be continued for each year, not to exceed six years, that the board determines that the district has achieved the annual benchmarks for completion of the mitigation plan.

(2) The State Board of Education may require a school district to revise its plan if the board determines that elements of the original plan, including the financial plan, are no longer feasible. If the board determines that the district has not met the annual benchmarks in the facilities plan, or that the overall intent of the facilities plan is not being achieved, the waiver shall not be granted.

SEC. 3. Section 52122.8 is added to the Education Code, to read:

52122.8. (a) A school district that meets the criteria set forth in Sections 52122.6 and 52122.7 and that has been granted a waiver by the State Board of Education for a schoolsite or schoolsites, may receive Option One funding at the per pupil amount defined in subdivision (a) of Section 52126 under the following conditions:

(1) The school district hires additional teachers to provide instruction at each schoolsite for which a waiver is granted so that the teacher-to-pupil ratio averages 1 to 20, whether or not each group of pupils is enrolled in a separate class; provided that there is not less than one full-time certificated teacher hired and providing instruction for each group of 20 pupils for each grade level at the site

for which a waiver is requested. The State Board of Education may grant the waiver even though pupils may be housed in groups of greater than 20 pupils for all, or a portion, of the full regular schoolday.

(2) The primary focus of the increased teacher-to-pupil ratios at the site is reading and mathematics instruction.

(3) The school district provides an annual report of how pupils at the impacted site will be served in enriched teacher-to-pupil ratios during the time of the waiver.

(4) All requirements of the Class Size Reduction Program contained in this chapter are met except for those in subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 and subdivisions (c) and (f) of Section 52123.

(b) Notwithstanding paragraph (2) of subdivision (c) of Section 52122.1 and subdivision (d) of Section 52122.1, schoolsites receiving funding under this section shall be eligible for the facilities loan program pursuant to Section 52122.1. The district may receive forty thousand dollars (\$40,000) per each new teacher hired for class size reduction pursuant to this section up to the amount of funding available pursuant to paragraph (1) of subdivision (c) of Section 52122.1.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to implement class size reduction guidelines at the earliest possible time, it is necessary that this act take effect immediately.

